

PATENT
Docket No. JCLA6306
page 1

In re application of:)
Application No.: 09/633,828)
Filed: August 07,2000)
For: CDMA SYSTEM WITH SEPARATE FUNCTION)
CHANNEL CARD)
Examiner: SCHULTZ, WILLIAM C.)
Art Unit: 2664)

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
Under 37 C.E.R. §1.181

COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313
Sir:

Applicant received a NOTICE OF ABANDONMENT dated September 7, 2004, indicating that the above-identified application is abandoned for failure to timely file a proper reply to the Office letter mailed on December 30, 2003.

However, Applicant already submitted a proper reply on March 16, 2004 to the United States Patent and Trademark Office (USPTO) via facsimile. The Transmission Report generated from our facsimile machine confirmed that total six pages (including cover page) of the reply have been transmitted successfully to fax No. 703-872-9306. We also received an Auto-Reply Facsimile Transmission from the USPTO, indicating that total 6 pages (including cover page) of the reply were received on March 16, 2004. See the attached copy of the Transmission Report and the Auto-Reply Facsimile Transmission. Also attached thereto is a copy of the reply as filed on March 16, 2004.

Therefore, the above-identified application has not been abandoned and withdrawal of holding of abandonment is requested.

Respectfully submitted,
J. C. PATENTS

Date: 9/13/2004


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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,828	08/07/2000	Kuang-Shyr Wu	JCLA6306	2501
7590	09/07/2004			
J C Patents Inc 4 VENTURE SUITE 250 IRVING, CA 92618			EXAMINER SCHULTZ, WILLIAM C	
			ART UNIT 2664	PAPER NUMBER

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	09/633,828	WU ET AL.	
	Examiner	Art Unit	
	William C. Schultz	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

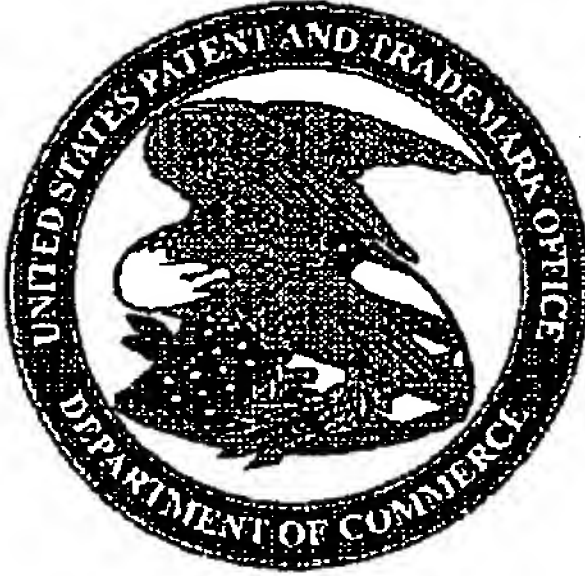
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 December 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 Ajit Patel
 Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

USPTO 3/16/2004 6:53 PM PAGE 1/001 Fax Server
 O:Auto-reply fax to 19496600809 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 19496600809
 Fax Information
 Date Received: 3/16/2004 6:51:20 PM [Eastern Standard Time]
 Total Pages: 6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
 Cover
 Page

=====>

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CERTIFICATE OF TRANSMISSION

March 16, 2004

Atty Docket No. :	JCLA6306
Appl. No. :	09/633,828
Filing Date :	August, 07, 2000
Pages :	Cover + 5

BY FACSIMILE ONLY

Fax No. :	703-872-9306
Attention :	EXAMINER: SCHULTZ, WILLIAM C. Commissioner for Patents
Group Unit :	2654
From :	Jiawei Huang, Reg. No. 43,330
MESSAGE :	Enclosed herewith is an Amendment in 5 pages.

Sir:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on March 16, 2004 at the above indicated fax number.

Sign by: Michelle Chang
 Michelle Chang

Note: This facsimile transmission is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please kindly notify us immediately, and return the original message to us at the above address. We greatly appreciate your cooperation.

PAGE 1/6 * RCVD AT 3/16/2004 6:51:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-1/2 * DNIS:8729306 * CSID:19496600809 * DURATION (mm-ss):03-48

Atty Docket No. JCLA6306

Serial No. 09/633,828

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of :

WU, Kuang-Shyr et al.

Serial No. : 09/633,828

Filed : 08/07/2000

For : CDMA System With Separate Function)
Channel Card)

Examiner : SCHULTZ, W. C.

Art Unit : 2664

Docket No. : JCLA6306

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No fee is believed to be due. However, the Commissioner is authorized to charge any fees required in connection with the filing of this paper to account No. 50-0710 (Order No. JCLA6306).

AMENDMENT AND RESPONSE TO OFFICE ACTION

MAIL STOP Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action dated 12/30/2003 (Paper No. 3), has been carefully considered. In response thereto, please consider the following remarks.

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Serial No. 09/633,828

REMARKS**Present Status of the Application**

The Office Action rejected pending claims 1-8. Specifically, the Office Action rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Gorman et al. (U. S. Patent 6, 137,793, hereinafter Gorman). Claims 1-8 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of Claim Rejections under 35 USC 103

The Office Action rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Gorman. Applicants respectfully traverse the rejections for at least the reasons set forth below.

The present invention as recited in independent claim 1 as follows:

1. A code division multiple access (CDMA) system having a separate channel card architecture, comprising:

a back-haul interface module connected to a controller of a cable network controlling station for bi-directional base-band digital signal transmission;

a main channel card for receiving the base-band signals from the back-haul interface module and converting the base-band signals into middle frequency signals;

a middle frequency module for receiving the middle frequency signals from the main channel card and outputting the middle frequency signal to a radio frequency module, or receiving middle frequency signals from the radio frequency module;

a reception channel card for receiving middle frequency signals from the middle frequency module, converting the middle frequency signals into base-band signals and outputting the base-band signals to the back-haul interface module;

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a random access card for receiving middle frequency signals from the middle frequency module so that a user's electronic network can be found when the user's mobile telephone is switched on;

a clock module for generating a timing signal to the reception channel card and the random access card; and

a cell controller for outputting control signals to the reception channel card and the clock module or inputting control signals from the reception channel card and the clock module to control the operations of the base station (*Emphasis added*).

The features emphasized above in claim 1 are at least not disclosed by the prior art. In FIG. 2, it should be noted that the main channel card 34 is the single channel used for transmitting signal. The reception channel cards 48 are multiple card, used for receiving signals. The claimed invention can have the separated transmitting path and the receiving path as shown in FIG. 3.

In re AAPA (FIG. 1), the channel cards 16 are connected between the back-haul interface module 24 and the middle frequency module 14. In AAPA, the transmitting path and the receiving path always includes the channel card 16 in operation. This conventional design at least causes the issues as described in the paragraph beginning in page 2, line 21+.

The present invention proposes CDMA system, different from the design as shown in FIG. 1 within AAPA. AAPA failed to disclose the design for the separated transmitting path and the receiving path. AAPA failed to disclose the back-haul interface module, main channel card, the middle frequency module, and the reception channel card, which are arranged as recited in independent claim 1 (i.e FIG. 2, FIG. 3).

The Office Action further refers to Gorman to supply the other parts of the random access card, the clock module, and the cell controller. However, Gorman still failed to disclose the features as discussed above about the random access card, the clock module, and the cell

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controller. The parts disclosed in Gorman do not supply the missing features in AAPA.

For at least the foregoing reasons, Applicants respectfully submit that independent claim 1 patently defines over the prior art, and should be allowed. For at least the same reasons, dependent claims 2-8 patently define over the prior art as well.

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Serial No. 09/633,828

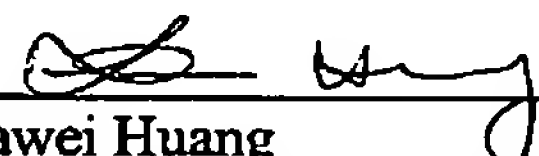
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-8 of the invention patentably define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date: 3/16/2004

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Respectfully submitted,
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